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CREDITOR/APPELLANT, *Pro Se*

FILED

MAY 12 2023 *m*

U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA**

SAN FRANCISCO DIVISION

JANNINGS,

Appellant,

v.

PG&E CORPORATION, and
PACIFIC GAS & ELECTRIC COMPANY

Appellees.

Bankruptcy Case No. 19-30088 (DM)

Chapter 11 (Jointly Administered)

**APPELLANT'S DESIGNATION OF
RECORD AND STATEMENT OF ISSUES
ON APPEAL FROM BANKRUPTCY
COURT**

Original Due Date: April 26, 2023

SPIRO JANNINGS, *pro se*, CREDITOR/APPELLANT, hereby gives notice to the Clerk of The Court of Appellant's Designation Of Record and Statement of Issues on Appeal to be prepared for the Transmittal of Record On Appeal to the District Court overseeing the Appeal; to wit:

APPELLANT'S DESIGNATION OF RECORD AND STATEMENT OF ISSUES
ON APPEAL FROM BANKRUPTCY COURT; CASE NO.: 23-CV-01735-HSG

DESIGNATION OF RECORD

Bankruptcy Docket No.	Date Entered	Brief Summary of Document and/or Transcript
11388	10/08/21	PG&E Objection to Appellant's Claim
11388	10/08/21	Declaration of PG&E agent, Ledbetter in support of Objection
11388	10/08/21	Declaration of PG&E agent, Leonard in support of Objection
11388	10/08/21	Declaration of PG&E Counsel, Nadeau in support of Objection
11393	10/08/21	Notice Of Hearing
11753	12/28/21	Appellant's Motion to Abstain and Dismiss
11768	12/30/21	Appellant's Motion to Enlarge Time
11768-1	12/30/21	Declaration of Appellant's counsel in support of motion
11775	12/31/21	Appellee's Opposition to Motion to Enlarge Time
11806	01/11/22	Appellee's Request for Default
11806-1	01/11/22	Exhibit e-Mails of PG&E in support of Default
11829	01/14/22	ORDER Disallowing Appellant's Claim
11871	01/26/22	Appellant's Rule 60 Motion for Relief of Order (Dkt. 11829)
11871-1	01/26/22	Declaration of Appellant's Counsel, Furstman
11871-2	01/26/22	Declaration of Appellant's Counsel, St. James
11872	01/26/22	Notice Of Hearing
11939	02/16/22	Appellee's Opposition to Rule 60 Motion
11940	02/16/22	Declaration of PG&E Counsel, Kim
11940-1	02/16/22	Exhibit e-Mail of PG&E in support of Opposition
11941	02/16/22	Declaration of PG&E Counsel, Nadeau

APPELLANT'S DESIGNATION OF RECORD AND STATEMENT OF ISSUES
ON APPEAL FROM BANKRUPTCY COURT; CASE NO.: 23-CV-01735-HSG

1	11941-1	02/16/22	Exhibit e-Mail of PG&E in support of Opposition
2	12009	03/14/22	ORDER Denying Appellant's Rule 60 Motion (Dkt. 11871)
3	13447	01/12/23	Appellant's Substitution of Counsel
4	13455	01/13/23	Appellant's Rule 60(b) Omnibus Motion
5	13456	01/13/23	Declaration of Appellant, Jannings
6	13458	01/17/23	Notice Of Hearing
7	13524	02/21/23	Appellee's Opposition
8	13525	02/21/23	Declaration of PG&E Counsel, Nadeau
9	13561	02/28/23	Appellant's Reply to Appellee's Opposition
10	13562	02/28/23	Declaration of Appellant, Jannings
11	13563	03/01/23	ORDER Affirming 03/07/23 Hearing
12	13591	03/07/23	HEARING Transcript; Appellant's Motion (Dkt. 13455)
13	13646	03/27/23	ORDER Denying Rule 60(b) Reconsideration of Default
14	13662	04/10/23	Appellant's Notice of Appeal
15	Pending	05/12/23	Appellant's Motion for Leave to Expand Time for Designation of Record and Statement of Issues
16	Pending	05/12/23	Appellant's Declaration in Support of Motion for Leave to Expand Time for Designation of Record and Statement of Issues
17	Pending	05/12/23 Or Later	The U.S. Bankruptcy Court's Order and/or all relevant records filed with the Clerk in response to Appellant's Motion for Leave to Expand Time for Designation of Record and Statement
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*** END OF DOCUMENTS ***

APPELLANT'S DESIGNATION OF RECORD AND STATEMENT OF ISSUES
ON APPEAL FROM BANKRUPTCY COURT; CASE NO.: 23-CV-01735-HSG

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2. Whether the Bankruptcy Court erred in determining "made within a reasonable time" under F. R. Civ. P. 60(c) circumvents or supersedes its stipulation of: "no more than a year after the entry of judgment," as specified for relief pursued under F. R. Civ. P. 60(b)(1)/(3);

4. Whether the Bankruptcy Court erred in unfairly sanctioning Jannings individually for the misdeeds of his counsel's untimely filings, when the Court determined Appellee was not and could not be prejudiced by granting Appellant's relief;

6. Whether the Bankruptcy Court erred in finding the burden to determine fraud upon the Court was not met;

8. Whether the Bankruptcy Court erred in ignoring established case law pertaining to the Agency Theory over Attorney Authority that has been determined by SCOTUS since *Link v. Wabash Railroad* (1962); and brought to the Court's attention (Dkt. 13561);

9. All other matters of error properly raised in the record, which can be delineated.

Respectfully submitted,

Date: May 12, 2023

SPIRO JANNINGS, *Appellant*

/s/ *Spiro Jannings*

SPIRO JANNINGS
Pro Se